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September 21, 2012

By CM/ECF

The Honorable Leonard Davis
200 W. Ferguson, Third Floor
Tyler, TX 75702

Re: Plaintiff's Reply Letter Brief Regarding a *Daubert* Motion re: NewEgg/Rosewill's Damages
Technical Expert, Dr. Sullivan in *AdjustaCam LLC v. Amazon.com, et al.*; No. 6:10-cv-329-LED

Your Honor:

Pending before the Court is Plaintiff's Letter Brief in support of its proposed *Daubert* motion and motion to strike certain opinions of Dr. Sullivan, the damages expert designated by Defendants NewEgg and Rosewill (Dkt. No. 684), and the Responsive Letter Brief of Defendant Sakar International, Inc. ("Sakar") (Dkt. No. 697).

During the pendency of these filings, in fact yesterday, in response to a Final Office Action issued by the Reexamination Division of the USPTO, Plaintiff canceled the asserted claims of the '343 patent-in-suit, which the USPTO recently deemed unpatentable, so that a certificate of reexamination could issue concerning multiple new and amended claims deemed allowable.¹

Furthermore, Sakar did not designate Dr. Sullivan as its damages expert (in fact, Sakar has no damages expert for this case), and Dr. Sullivan did not render any opinions about a hypothetical royalty negotiation involving Sakar. Thus, it is a mystery why Sakar filed a Responsive Letter Brief about a dispute in which it has no cognizable stake.

For at least these reasons, further reply to Sakar's Response would be a waste of the Court's time. In addition, AdjustaCam has requested a meet and confer with the Defendants to discuss the dismissal of this case. AdjustaCam expects that additional filings will promptly be made relative such a

¹ Plaintiff also promptly notified the Defendants and the Court (Doc No. 711) of the cancellation of all asserted claims.



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dismissal, hopefully on an agreed or unopposed basis.

Sincerely,

CEPIP

A handwritten signature in black ink, appearing to be 'J. Edmonds'.

John J. Edmonds

cc: Defense Counsel (via CM/ECF).